

P1471US01
Serial No. 10/611,728
Response to Office Action of May 13, 2005

PATENT

REMARKS

Claims 11-23 and 29-43 are in the case. Claims 1-10 and 24-28 are cancelled. Claims 29-43 are newly added.

Election/Restriction

As noted in paragraphs 1-3 of the Office Action, claims 1-10 and 24-28 were withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b). Accordingly, claims 1-10 and 24-28 are now cancelled from the case.

Claim Rejections Under 35 U.S.C. § 102

In paragraph 5 of the Office Action, claims 11-13 and 15-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,717,075 ("Stavely").

In rejecting claim 11, the Office Action cites Stavely as disclosing "a multi-sided input device for operating one or more electronic apparatuses, the device comprising: at least three sets of input controls (Fig. 3), each set sufficient to operate at least one of the electronic apparatuses (col. 2, lines 62 - col. 3, line 8); a plurality of user-accessible surfaces (FIG. 2A, reference characters 210-214), the surfaces sized to contain substantially all of the input controls of a corresponding set (col. 2, line 62 - col. 3, line 8)."

Claim 11 is directed to a multi-sided input device for operating one or more electronic apparatuses comprising: at least three sets of input controls, each set sufficient to operate at least one of the electronic apparatuses; and a plurality of user-accessible surfaces, wherein the surfaces are sized to contain substantially all of the input controls of a corresponding set. Claim 11 is now amended to recite that one of the electronic apparatuses comprises a computer.

Stavely does not teach or suggest a multi-sided input device having at least three sets of input controls wherein a set of the input controls is for operating a computer, as is now required by claim 11. It is noted that Stavely discloses three-plus sided input devices in FIGS. 2A, 2B and 3. However, the only disclosed examples of electronic devices that can be controlled by

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these three-plus sided input devices are a TV and VCR. *See Stavely*, col. 2, lines 59-67. While the Stavely reference does note that input devices are generally used to control computers, this statement is not made in connection with the three-plus sided input devices of FIGS. 2A, 2B and 3. This statement is made in the background section of the Stavely patent in discussing that computers can have multiple input devices, such as a keyboard and a mouse. *See Stavely*, col. 1, line 11-14. The reference to computers is made to generally set the technological background and to distinguish the inventive three-plus sided input devices of Stavely from computers that utilize multiple input devices. There is no statement in Stavely that links the use of its three-plus sided input devices with the ability to control a computer.

It is important to note that original claim 14 required, *inter alia*, that one of the electronic apparatuses comprise a computer and that original claim 14 was rejected in paragraph 8 of the Office Action as being unpatentable over Stavely in view of Japanese Patent 60095624A ("Masakasu"). The rejection, however, is improper. Masakasu is directed to a double-sided keyboard for use with a computer. As discussed, above, the three-plus sided input devices of Stavely are disclosed as being usable in conjunction with a TV and VCR. There is no suggestion, either express or implicit, in Stavely that the three-plus sided input devices of FIGS. 2A, 2B, and 3 can be used in conjunction with a computer. Moreover, one skilled in the art would not be motivated to modify the TV/VCR input devices of Stavely to include controls for operating a computer because TV/VCR input devices have traditionally been maintained separate from the input devices associated with computers. This separation has been maintained for a variety of reasons, including different locations within the household, size considerations of the input device, etc. The combination of Stavely with Masakasu is the result of impermissible hindsight used to recreate the invention claimed by applicant. The reasoning set forth in paragraph 8 of the Office Action as to why someone skilled in the art would combine Stavely and Masakasu is deficient in that it does not overcome the aforementioned traditional separation of computer and TV/VCR type controls. A *prima facie* case of obviousness has not been properly established.

Therefore, Stavely does not teach or suggest a multi-sided input device having at least three sets of input controls, wherein a set of the input controls is for operating a computer, as is

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required by claim 11. Moreover, Stavely is not properly combinable with Masakasu to supply the noted deficiency. It is respectfully requested that the rejection of claim 11 be withdrawn.

Regarding claim 20, claim 20 is directed to "a multi-media system having a plurality of electronic subsystems for reading or processing information from corresponding information sources, the subsystems selected from the group consisting of a computer for associated applications or the internet, a television, a CD/DVD player, a stereo and a game console, the system further comprising a multi-sided input device for operating the plurality of subsystems, the input device comprising input controls grouped into sets sufficient to operate at least one corresponding electronic subsystem, the device further comprising a plurality of user activatable surfaces, the surfaces sized to contain substantially all of the input controls of a corresponding set; wherein at least one of the subsystems comprises the computer."

For the reasons discussed above with respect to claim 11, the rejection of claim 20 as being anticipated by Stavely is also improper and should be withdrawn.

Amendments to the Claims

Claim 11 is amended to recite that one of the electronic apparatuses comprises a computer. No new matter is added. Support can be found in original claim 14.

Claim 13 is amended to replace the term "module" with the term "device" to remedy lack of antecedent basis and to correct an inadvertent terminology error. No new matter is added.

Claim 14 is amended to remove the phrase "wherein one of the electronic apparatuses comprises a computer" because this phrase was added to claim 11. Claim 14 is also amended to remove the phrase "wherein the module comprises two corresponding sets of input controls for the two different software applications," which was moved to newly added claim 29.

Claim 20 is amended to recite that "at least one of the subsystems comprises the computer." No new matter is added. Support can be found in original claim 23.

Claim 22 is amended so that its language corresponds with the amended language of claim 11 upon which it depends. No new matter is added.

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Claim 23 is amended so that its language corresponds with the amended language of claim 11 upon which it depends. No new matter is added.

Claim 29 is a new claim and depends on claim 14. Claim 29 recites that "the device comprises two corresponding sets of input controls for the two different software applications." No new matter is added. Support can be found in original claim 14.

Claim 30 is a new claim and depends on claim 29. Claim 30 recites that "another one of the electronic apparatuses comprises a television." No new matter is added. Support can be found in original claim 20.

Claim 31 is a new claim and depends on claim 29. Claim 31 recites that "another one of the electronic apparatuses comprises a CD/DVD player." No new matter is added. Support can be found in original claim 20.

Claim 32 is a new claim and depends on claim 29. Claim 32 recites that "another one of the electronic apparatuses comprises a stereo." No new matter is added. Support can be found in original claim 20.

Claim 33 is a new claim and depends on claim 29. Claim 33 recites that "another one of the electronic apparatuses comprises a game console." No new matter is added. Support can be found in original claim 20.

Claim 34 is a new claim and depends on claim 11. Claim 34 recites that "another one of the electronic apparatuses comprises a television." No new matter is added. Support can be found in original claim 20.

Claim 35 is a new claim and depends on claim 11. Claim 35 recites that "another one of the electronic apparatuses comprises a CD/DVD player." No new matter is added. Support can be found in original claim 20.

Claim 36 is a new claim and depends on claim 11. Claim 36 recites that "another one of the electronic apparatuses comprises a stereo." No new matter is added. Support can be found in original claim 20.

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Claim 37 is a new claim and depends on claim 11. Claim 37 recites that "another one of the electronic apparatuses comprises a game console." No new matter is added. Support can be found in original claim 20.

Claim 38 is a new claim and depends on claim 20. Claim 38 recites that "the input device operates two different software applications on the computer." No new matter is added. Support can be found in original claim 14.

Claim 39 is a new claim and depends on claim 38. Claim 39 recites that "the input device comprises two corresponding sets of input controls for the two different software applications." No new matter is added. Support can be found in original claim 14.

Claim 40 is a new claim and depends on claim 22. Claim 40 recites that "the second electronic subsystem comprises a television." No new matter is added. Support can be found in original claim 20.

Claim 41 is a new claim and depends on claim 22. Claim 41 recites that "the second electronic subsystem comprises a CD/DVD player television." No new matter is added. Support can be found in original claim 20.

Claim 42 is a new claim and depends on claim 22. Claim 42 recites that "the second electronic subsystem comprises a stereo." No new matter is added. Support can be found in original claim 20.

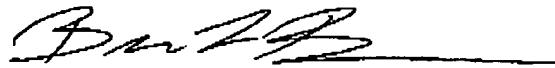
Claim 43 is a new claim and depends on claim 22. Claim 43 recites that "the second electronic subsystem comprises a game console." No new matter is added. Support can be found in original claim 20.

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It is believed that all grounds of rejection and objection have been traversed or obviated, and that the rejections and objection should be withdrawn, and the application allowed.

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